S.B. CIVIL WRIT PETITION NO.3621/2004
(Tulsa Ram & Anr. vs. State of Rajasthan & Ors.)

Date :: 26.03.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.B.K. Bhatnagar, for the petitioner.
Mr.S.N. Tiwari, Dy. Govt. Advocate.

In this writ petition, the petitioners have prayed for direction to quash the judgments and decrees passed by Assistant Collector, Abu Road on 08th October, 1996 (Annexure-1) and by Revenue Appellate Authority, Sirohi on 19th July, 1999 (Annexure-2) in appeal No.31/1996 so also the order passed by the Board of Revenue on 27th August, 2003 in appeal No.269/1999 (Annexue-3).

As per the contention of the learned counsel for the petitioners, their father expired in the year 1970 and settlement took place after his death. Unfortunately the land of petitioners' father could not be mutated in the names of petitioners and in the settlement the khasra numbers were changed. They preferred suit for declaring them as khatedar of the land situated in Khasra No.1867.

Learned Assistant Collector dismissed the suit filed by the petitioners for declaring them as khatedar of Khasra No.1867. Thereafter, they preferred an appeal before the learned Revenue Appellate Authority against the order of the Asstt. Collector, which also came to be dismissed by order dated 19th July, 1999. A second appeal was also filed before the Board of Revenue which was also dismissed vide its judgment dated 27th August, 2003. The learned Board of Revenue in the operative portion of its judgment stated that 10 bighas of land was alloted to the father of the appellants in Khasra No.1031 and after settlement their names were entered in new number Khasra No.1905. The learned Board of Revenue rejected the plea of the petitioners that they are in possession of land which is situated in Khasra No.1867. The learned Board of Revenue gave its reasons for not accepting such plea that no revenue record has been filed which can prove their possession over the land situated in Khasra No.1867. Further, it is observed that in Khasra No.1867 only 4 bighas and 9 biswas of land is available whereas father of petitioners was alloted 10 bighas of land. In these circumstances, the Board of Revenue rejected the second appeal preferred by the petitioners while upholding the findings given by Assistant Collector as well as Revenue Appellate Authority.

Accordingly, I do not find any reason to interfere with concurrent findings of the courts below.

The writ petition is dismissed.

[GOPAL KRISHAN VYAS],J.

A.K. Chouhan/-